

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSHUA LAMBERT,

Plaintiff,

v.

MIRIAM KASTLE, *et al.*,

Defendants.

Case No. C22-5470-RAJ-SKV

ORDER GRANTING PLAINTIFF'S  
MOTIONS FOR EXTENSION OF TIME  
TO RESPOND TO DEFENDANTS'  
SUMMARY JUDGMENT MOTION

This is a civil rights action filed under 42 U.S.C. § 1983. Currently pending before the Court are Defendants' motion for summary judgment (Dkt. 22), Plaintiff's two motions for an extension of time to file a response to Defendants' summary judgment motion (Dkts. 29, 30), and Plaintiff's motion to amend his previously filed response (Dkt. 34) which he identified as a "tentative" response at the time of filing (*see* Dkt. 33). Plaintiff also recently submitted a document which he identifies as a motion for voluntary dismissal of certain counts of his complaint without prejudice. Dkt. 38.

Plaintiff argues in support of his motions for extension of time that he requires additional time to file his response because he has not received documents requested in discovery, he has not had access to his legal property over the past couple of months because of housing moves

ORDER GRANTING PLAINTIFF'S MOTIONS  
FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANTS' SUMMARY JUDGMENT MOTION - 1

1 within his facility, he needs to conduct legal research on the issues raised by Defendants in their  
2 motion, and he has severe mental illness that can sometimes interfere with his ability to research  
3 and prepare his briefs.<sup>1</sup> *See* Dkts. 29, 30. Plaintiff also appears to indicate that he requires  
4 additional time to conduct new discovery. *See id.* Plaintiff requests in his motions that he be  
5 granted an additional 90 days to respond to Defendants’ summary judgment motion. Plaintiff  
6 argues in his motion to amend his response that he needs to re-write his previously submitted  
7 brief for the reasons argued in his motions for extension of time. Dkt. 34. Plaintiff indicates that  
8 his original brief was incomplete, but because the Court had not yet ruled on his motions for  
9 extension of time at the time the brief was due, he “wrote what [he] could at the time.” *Id.*

10 Defendants have filed a response to Plaintiff’s requests for an extension of time in which  
11 they indicate that they do not object to extending the deadline for Plaintiff to file a response to  
12 their motion for summary judgment. Dkt. 35. Defendants also note in their response that they  
13 sent Plaintiff a document tracking log over three months ago listing documents collected in  
14 response to his previous discovery requests, and offered to provide him copies of up to 100  
15 documents free of charge, but Plaintiff has not identified which documents he wants nor has he  
16 corresponded with Defendants with respect to any other matter since May 15, 2023. *See* Dkt. 36,  
17 ¶ 3; Dkt. 37, ¶ 3.

18 The Court concludes that Plaintiff has shown good cause for an extension of the deadline  
19 to file his response to Defendants’ summary judgment motion and will grant Plaintiff the  
20 requested 90 days given the absence of any objection from Defendants. During this period of

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22 <sup>1</sup> Plaintiff also indicates that he needs the original and amended complaints submitted in this action in  
23 order to respond to Defendants’ motion, but he has been unable to locate those documents in his property.  
*See* Dkt. 30. A review of the docket in this matter reflects that the Clerk of Court provided Plaintiff  
copies of the documents on August 4, 2023.

1 time, Plaintiff may request that Defendants produce documents gathered in response to his prior  
2 discovery requests, even though the discovery period has now passed. However, Plaintiff may  
3 not, at this juncture, initiate any new discovery. Given that the Court has determined it is  
4 appropriate to grant Plaintiff's requested extension of time, the Court will also allow Plaintiff to  
5 file an amended response to replace the "tentative" response he previously filed. Plaintiff is  
6 advised that any amended response will be deemed a complete substitute for his original  
7 response, and he should therefore include in his amended brief every argument he wishes to  
8 present in opposition to Defendants' summary judgment motion.

9 Based on the foregoing, the Court hereby ORDERS as follows:

10 (1) Plaintiff's motions for an extension of time to file a response to Defendants'  
11 motion for summary judgment (Dkts. 29, 30) are GRANTED. Plaintiff's motion to amend his  
12 previously filed response (Dkt. 34) is also GRANTED. Plaintiff is directed to file his amended  
13 response not later than ***November 13, 2023***.

14 (2) Defendants' motion for summary judgment (Dkt. 22) is RE-NOTED for  
15 consideration on ***November 17, 2023***. Defendants must file any reply brief in support of their  
16 motion by that date.

17 (3) Plaintiff's motion for voluntary dismissal of certain counts of his complaint  
18 without prejudice (Dkt. 38) is STRICKEN. Plaintiff may include this request, and any argument  
19 he wishes to include in support of this request, in his amended response to Defendants' motion  
20 for summary judgment.

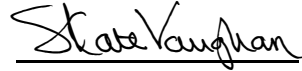
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1 (4) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for  
2 Defendants, and to the Honorable Richard A. Jones.

3 DATED this 22nd day of August, 2023.

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5 S. KATE VAUGHAN  
6 United States Magistrate Judge  
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